Prob 12A(10/09)

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF VIRGINIA

U.S.A. vs. <u>Bonerge Baires</u> _____ Docket No. <u>1:13CR00231-001</u>

Petition on Probation   *M-14-2290-M*

COMES NOW <u>Elissa F. Martins</u>, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of <u>Bonerge Baires</u>, who was placed on supervision by the Honorable Claude M. Hilton, United States District Judge sitting in the Court at <u>Alexandria</u>, Virginia, on the <u>10</u>th day of <u>July 2013</u>, who fixed the period of supervision at <u>two (2) years</u>, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

-See Page 2-

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

See Attachment(s)

PRAYING THAT THE COURT WILL ORDER a warrant to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

ORDER OF COURT

Considered and ordered this _____ 3rd _____ day of _Decenber_ _____, 2014 . and ordered filed and made a part of the records in the above case.

Claude M. Hilton

Claude M. Hilton
United States District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _12/2/14_

Elissa F. Martins

Elissa F. Martins
U.S. Probation Officer
(703) 299-2309

Place Alexandria, Virginia

TO CLERK'S OFFICE

Petition on Probation
Page 2
RE: BAIRES, Bonerge

OFFENSE: Transporting Illegal Aliens

SENTENCE: The defendant was sentenced to the custody of the Bureau of Prisons for a period of twelve (12) months and one (1) day. Upon release from imprisonment, the defendant shall be on supervised release for a term of two (2) years. The following special condition was imposed: 1) The defendant shall cooperate with any orders or directives of the Bureau of Immigration and Customs Enforcement. The defendant shall pay a $100 special assessment fee.

ADJUSTMENT TO SUPERVISION: Mr. Baires' supervised release commenced on March 7, 2014. The defendant's supervision has been inactive due to his immigration status. Immigration records reflect the defendant was deported to El Salvador on October 11, 2014.

VIOLATIONS: The following violations are submitted for the Court's consideration.

MANDATORY CONDITION: **COMMISSION OF A CRIME – RE-ENTRY AFTER DEPORTATION.**

On November 6, 2014, Mr. Baires was arrested by U.S. Border Patrol agents and charged with Re-entry after Deportation. It is noted that the United States District Court for the Southern District of Texas, McAllen Division, identifies the defendant as Jose Bonerge Arevalo-Rivera. Mr. Baires identity was confirmed with his FBI number.

According to the Criminal Complaint from the Southern District of Texas, the defendant was apprehended near Rio Grande City, Texas. It was determined that he was an undocumented alien. When sentenced for the underlying charge in this District, the defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. There is no record that the defendant applied for or received permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States after deportation.

On November 10, 2014, the defendant appeared before the U.S. District Court for the Southern District of Texas, McAllen Division, for an initial appearance. Probable cause was found and Mr. Baires was remanded to the custody of the U.S. Marshals Service and held without bond. On November 25, 2014, the defendant appeared before Magistrate Judge Dorina Ramos for a plea and sentencing hearing. The defendant pled guilty and was sentenced to one-hundred twenty (120) days custody of Bureau of Prisons and a $10.00 special assessment fee. The defendant was given credit for time served. The defendant was remanded to the custody of the U.S. Marshals Service.

SPECIAL CONDITION: **THE DEFENDANT SHALL COOPERATE WITH ANY ORDERS OR DIRECTIVES OF THE BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT.**

As outlined above, the defendant re-entered the United States after deportation.

EFM/vlh

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